

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

FEB 17 2016

JULIA C. DUDLEY, CLERK
BY: *H.M. Darned*
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SCOTT FITZGERALD CARTER, SR.,
Plaintiff,

Civil Action No. 7:15-cv-00083

v.

MEMORANDUM OPINION

JACK COX, et al.,
Defendants.

By: Hon. Jackson L. Kiser
Senior United States District Judge

Scott Fitzgerald Carter, Sr., proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 while incarcerated. By its Order entered on February 25, 2015, the court advised plaintiff that a failure to update a mailing address after a transfer or release from incarceration will result in dismissal of this action.

The court's mail to plaintiff has returned as undeliverable, and plaintiff has not contacted the court since August 2015. Plaintiff has failed to comply with the court's Order requiring plaintiff to maintain an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court's February 25, 2015, Order. Accordingly, I dismiss the complaint without prejudice and deny all pending motions as moot. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); see also Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

ENTER: This 17th day of February, 2016.


Senior United States District Judge